

ANDREW M. CUOMO
GOVERNOR



JOE MARTENS
COMMISSIONER

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
ALBANY, NEW YORK 12233-1010

JAN 14 2013

Ms. Judith A. Enck
Regional Administrator
U.S. Environmental Protection Agency, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

Dear Administrator Enck:

New York County was designated as a moderate nonattainment area under the 1987 PM₁₀ National Ambient Air Quality Standards (NAAQS) on January 20, 1994.¹ Pursuant to Clean Air Act Section 110, the New York State Department of Environmental Conservation (DEC) submitted a State Implementation Plan (SIP) revision in September 1995 that provided EPA with a demonstration that New York County would attain the PM₁₀ NAAQS by January 20, 2000, as required by the Clean Air Act. This SIP was deemed complete by EPA on January 21, 1996, and subsequently updated by DEC in September 1996.

DEC is hereby withdrawing its SIP for the New York County nonattainment area for the 1987 PM₁₀ NAAQS. We are also withdrawing the associated request for redesignation of the nonattainment area, as originally presented to EPA in a letter dated July 20, 1995.²

Data from DEC's air quality monitoring network have demonstrated that New York County was in attainment of the PM₁₀ NAAQS when EPA designated it as nonattainment, and has never had an exceedance of the NAAQS since being so designated. On May 9, 2006, DEC presented to EPA a draft report titled "A Review of Inhalable Particulate (PM₁₀) Air Quality in New York County (Manhattan Island); 1988 to mid-2005."³ DEC noted at the time that the draft report supports a clean data finding for New York County.

In conjunction with withdrawing the PM₁₀ SIP and redesignation request, DEC is again requesting that EPA makes a clean data finding for New York County for the 1987 PM₁₀ NAAQS. Such action is supported by the previously submitted draft study, as well as updated monitored air quality data.

¹ 58 FR 67334; published December 21, 1993

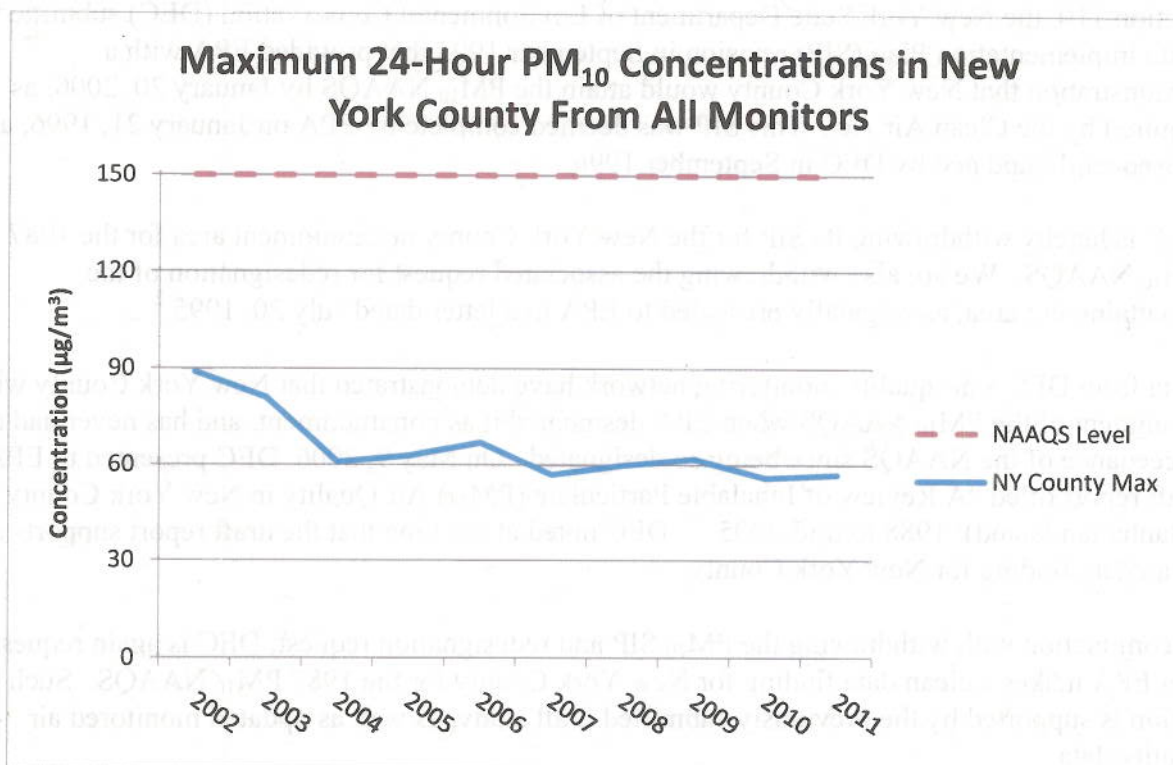
² Letter from Arthur J. Fossa, Director, Division of Air Resources, NYSDEC, to Conrad Simon, Director, Air and Waste Management Division, U.S. EPA

³ Enclosed with letter from James Ralston, Director, Bureau of Air Quality Planning, NYSDEC, to Richard Ruvo, Chief, State Implementation Plan Section, U.S. EPA

The 24-hour PM₁₀ NAAQS is met when the level of 150 µg/m³ is not exceeded more than once per year on average over a three-year period. The following data represent the 24-hour PM₁₀ values recorded at the PS 19 and Division Street monitors from 2009 – 2011:

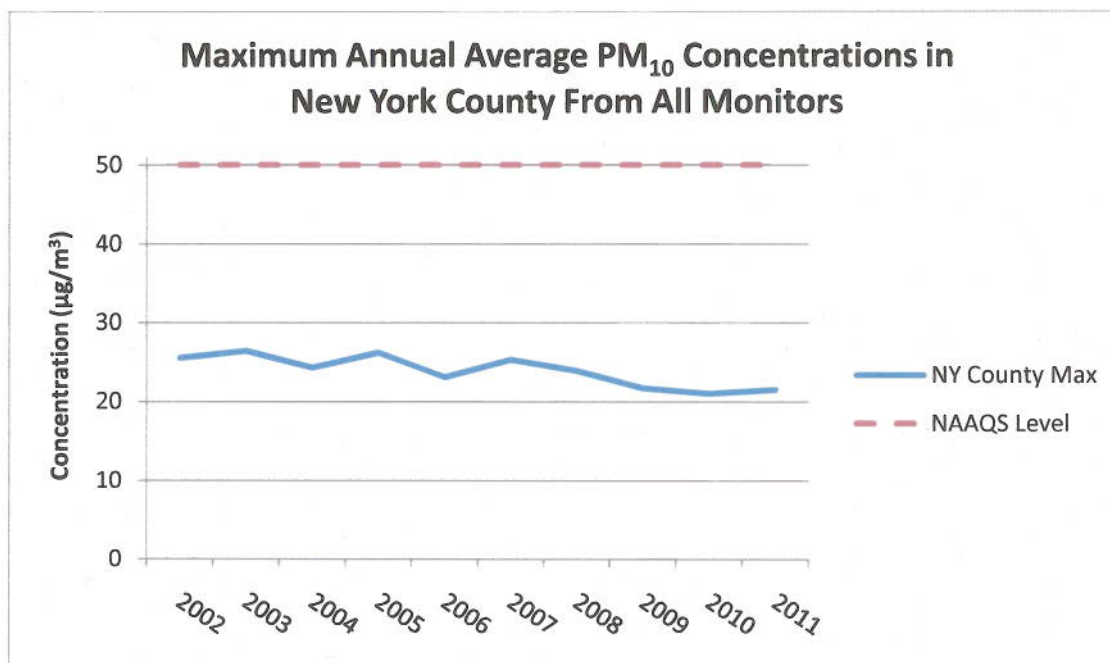
Maximum 24-hour PM₁₀ Concentrations in New York County (µg/m³)				
Monitor Name	Monitor ID	2009 Max (# Obs.)	2010 Max (# Obs.)	2011 Max (# Obs.)
PS 19	36-061-0128	61 (75)	55 (113)	57 (118)
Division Street	36-061-0134	62 (119)	56 (121)	57 (112)

The chart below shows that ambient PM₁₀ concentrations over the last 10 years in New York County have been well below the level of the NAAQS. This chart relies on data from the PS 19 and Division Street monitors, as seen above, as well as from previously operating PM₁₀ monitors at PS 59 and Canal Street.



Although the annual PM₁₀ NAAQS was revoked by EPA, DEC can assure that this standard continues to be met based on the annual arithmetic mean remaining below 50 µg/m³ when averaged over three years. Provided below are a table displaying the 2011 design values for the PS 19 and Division Street monitors (based on 2009 – 2011 data), and a chart displaying New York County's maximum annual PM₁₀ values over the last 10 years as compared to the NAAQS.

Annual Average PM ₁₀ Concentrations in New York County (µg/m ³)					
Monitor Name	Monitor ID	2009 Max (# Obs.)	2010 Max (# Obs.)	2011 Max (# Obs.)	2009-2011 Design Value
PS 19	36-061-0128	19.9 (75)	20.3 (113)	20.0 (118)	20.1
Division Street	36-061-0134	21.7 (119)	21.0 (121)	21.5 (112)	21.4



Please call me at (518) 402-8540 if you have any questions.

Sincerely,


 Joseph J. Martens

c: R. Ruvo, EPA
H. Feingersh, EPA